



Remarks

The examiners contention that non-analogous art is not accepted by virtue that the obvious descriptions of difference exist verge on occult comparison of several distinctly different objects. If the prior art; Schonich, Peters were obvious because of its vaguely related advantages, those skilled in the art would have surely implemented it by now. That is the fact that those skilled in the art have not implemented the present invention despite its great advantages, indicates that it is not obvious.

It would be necessary to make modifications, not taught in the prior art, in order to combine the references in the manner suggested by the office action.

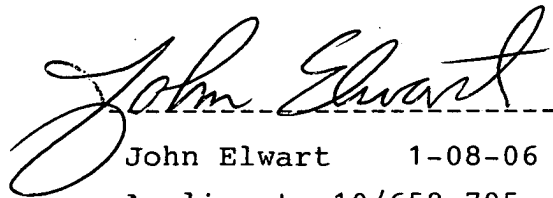
Schonich teaches a ladder with related looking parts. The references take mutually exclusive paths and reach different solutions to a similar problem. Since they teach away from each other, it would not be logical to combine them.

Peters teaches a ladder rung, with similar looking parts to the present invention but those skilled in the art would find it physically impossible to combine the references in the manner suggested to produce the present invention.

It is not understood by the applicant concerning the examiners statement concerning Claim 1, "the bracket connecting arm", "the wood framing members" and "the connecting arm" do not exist in Claim 1. If they existed it was amended in an earlier office action.

The claimed use of the present invention is as a non-portable and non movable wall bracing device. This distinguishes from the Schonich and Peters patents because they are for ladders and ladders are both movable and portable devices.

The claims have been amended to differ from the Shonich and Peters patents by way of stating that the present invention metal fireblock is to be installed in non movable and non portable framing members. With this amendment of claims, the references cannot meet the claims. The Schonich and Peters patents are by their physical description, ladders or ladder parts. They therefore are both portable devices and the present invention amended claims teach away from these references by describing the device as to be installed in non movable and non portable framing members.



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